

1 DIVISION OF LABOR STANDARDS ENFORCEMENT

2 Department of Industrial Relations

3 State of California

4 BY: DAVID D. CROSS, State Bar No. 097203

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9 Attorney for the Labor Commissioner

10  
11 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**  
12 **DEPARTMENT OF INDUSTRIAL RELATIONS**  
13 **STATE OF CALIFORNIA**

14 In the matter of the  
15 Debarment of:

Case No.: SC 5013

16 All West Construction, Inc.  
17 and Donald Kent Russell, RMO/CEO/President  
18 Respondents.

19 **ORDER OF THE LABOR**  
20 **COMMISSIONER ON**  
21 **STIPULATION TO DEBARMENT**

22 WHEREAS, Respondents stipulated to debarment as follows:

- 23 1. Respondent All West Construction, Inc. is the holder of California  
24 Contractor's License No. 592321.
- 25 2. Respondent Donald Kent Russell is the RMO/CEO/President of  
26 All West Construction, Inc.
- 27 3. Respondents entered into the attached Stipulation for Debarment.
- 28 4. Based on the Stipulation for Debarment, Respondents shall be  
ineligible for a period of two years, beginning March 31, 2011 to  
do either of the following:  
A) bid on or be awarded a contract for a public works  
project; or

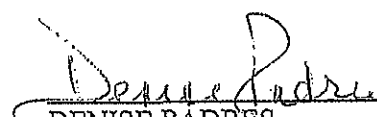
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B) perform work as a subcontractor on a public work as defined in Labor Code sections 1720, 1720.2 and 1720.3.

5. Respondent Donald Kent Russell may work as an employee only during the debarment period.

IT IS HEREBY ORDERED.

Dated: 2/16/11

  
DENISE PADRES  
Deputy Chief State Labor Commissioner

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10 BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT

11 DEPARTMENT OF INDUSTRIAL RELATIONS

12 STATE OF CALIFORNIA

13 In the matter of the  
14 Debarment Proceeding Against:

Case No. SAC 5013

15 STIPULATION FOR DEBARMENT

16 All West Construction, Inc. and Donald Kent  
17 Russell, RMO/CEO/President,

Hearing Date: January 18, 2011

Time: 10:00 a.m.

Hearing Officer: Susan Dovi

18 Respondents.

19 Respondents All West Construction, Inc. and Donald Kent Russell, RMO/CEO/President  
20 stipulate as follows:

21 1. Respondents acknowledge service of the amended statement of alleged violations in this  
22 proceeding, a copy of which is attached hereto and incorporated herein by this reference.

23 2. Respondents stipulate to debarment pursuant to Labor Code section 1777.1(a) and (b) for  
24 a period of 2 years beginning March 31, 2011, following the filing of the Determination and Order  
25 of the Labor Commissioner in this matter. During that two year period, Respondents and each of  
26 them, and any firm, corporation, partnership, or association in which Respondents have any interest  
27 as defined in Labor Code section 1777.1(f), or any substantial interest as defined in the California  
28 Code of Regulations, Title 8, section 16800, shall be ineligible to do either of the following:

a) Bid on or be awarded a contract for a public works project; or

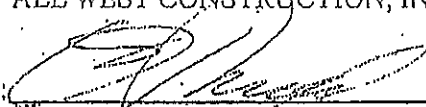
b) Perform work as a subcontractor on a public works project.

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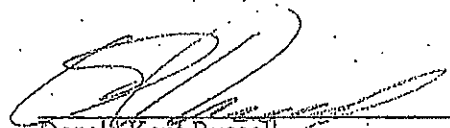
3. Respondent Donald Kent Russell may work as an employee only during the debarment period.

Dated: 2/10/14

ALL WEST CONSTRUCTION, INC.

By:   
Donald Kent Russell, RMO/CEO/ President

Dated: 2/10/14

  
Donald Kent Russell

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2 Department of Industrial Relations

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10 BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT

11 DEPARTMENT OF INDUSTRIAL RELATIONS

12 STATE OF CALIFORNIA

13 In the matter of the )  
14 Debarment Proceeding Against: )

Case No. SAC 5013

15 ) AMENDED STATEMENT OF ALLEGED  
16 ) VIOLATIONS

17 ) Hearing Date: June 22, 2010  
18 ) Time: 10:00 a.m.

19 ALL WEST CONSTRUCTION, INC. AND )  
20 DONALD KENT RUSSELL, )  
21 RMO/CEO/PRES. )

22 Respondents. )

Hearing Officer: Susan Dovi

23 Complaint, as causes for Respondents' debarment pursuant to Labor Code section 1777.1,  
24 alleges:

25 1. Complainant, Angela M. Bradstreet, makes and files this statement of alleged violations  
26 in her official capacity as the State Labor Commissioner and Chief of the Division of Labor Standards  
27 Enforcement, Department of Industrial Relations, and not otherwise.

28 2. Respondent ALL WEST CONSTRUCTION, INC., has been, at all times relevant herein,  
a contractor licensed by the Contractors State License Board under license number 592321.

///

1           3. Respondent DONALD KENT RUSSELL has been, at all times relevant herein mentioned,  
2 RMO/CEO/PRESIDENT of ALL WEST CONSTRUCTION, INC. and owner of a substantial interest  
3 of the voting stock of the corporation.

4           4. a. In performing work as a subcontractor on the Construction of New Analytical Laboratory  
5 Building job in Fresno County, California from May 8, 2009 through August 22, 2009, pursuant to  
6 a public works project awarded by the City of Fresno-Fresno/Clovis RWRP, Respondents willfully  
7 violated Labor Code section 1774 by failing to pay the prevailing rates to employees, willfully violated  
8 Labor Code section 1815 by failing to pay the correct overtime rate to employees, and willfully  
9 violated Labor Code section 1776 by failing to maintain accurate certified payrolls. The underpaid  
10 wages totaled approximately \$19,499.28.

11           b. In performing work as a subcontractor on the Residence Hall, Reedley College job in  
12 Fresno County, California between June 27, 2008 and September 22, 2009, pursuant to a public works  
13 project awarded by the State Center Community College District, Respondents willfully violated  
14 Labor Code section 1774 by failing to pay prevailing rates to employees, willfully violated Labor Code  
15 section 1815 by failing to pay the correct overtime rate to employees, and willfully violated Labor  
16 Code section 1776 by failing to maintain accurate certified payrolls. The underpaid wages totaled  
17 approximately \$19,499.28.

18           c. In performing work as a subcontractor on the Westlake Farms Composting Facility  
19 Phase 1- Administration and Main Switchgear Building job in Kings County, California between  
20 October 15, 2008 and August 15, 2009 pursuant to a public works project awarded by the Los Angeles  
21 County Sanitation District, Respondents willfully violated Labor Code section 1774 by failing to pay  
22 the prevailing rates to employees, willfully violated Labor Code section 1815 by failing to pay the  
23 correct overtime rate to employees, and willfully violated Labor Code section 1776 by failing to  
24 maintain accurate certified payrolls. The underpaid wages totaled approximately \$17,692.90.

25           d. In performing work as a subcontractor on the Agricultural and Technical Center at  
26 Reagan Educational Center job in Fresno County, California between January 15, 2009 and August  
27 22, 2009 pursuant to a public works contract awarded by the Clovis Unified School District,  
28 Respondents willfully violated Labor Code section 1774 by failing to pay the prevailing rates to

1 employees, willfully violated Labor Code section 1815 by failing to pay the correct overtime rate to  
2 employees, and willfully violated Labor code section 1776 by failing to maintain accurate certified  
3 payrolls. The underpaid wages totaled approximately \$16,491.10.

4 5. The violations listed above demonstrate a continued pattern and practice of falsifying  
5 certified payroll records, defrauding employees by failing to pay the required prevailing wage, and  
6 failing to pay employer contributions an approved plan or fund for the benefit of the workers.

7 WHEREFORE, Complainant prays that Respondents and each of them, and any firm,  
8 corporation, partnership, or association in which Respondent has any interest as defined in labor Code  
9 section 17777.1(f), or any substantial interest as defined in the California Code of Regulations, Title  
10 8, section 16800, be debarred so as to be ineligible to bid on or be awarded any public works contract,  
11 or perform work as a contractor or subcontractor on a public works project, for a period of three years  
12 from the date of the Determination in this proceeding.

13  
14 Dated: 5/4/10

DIVISION OF LABOR STANDARDS ENFORCEMENT  
Department of Industrial Relations  
State of California

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17  
18 By 

19 DAVID D. CROSS

20 Attorney for the Labor Commissioner  
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